

REMARKS/ARGUMENTS

Claim 22 is pending.

The Office Action rejected claim 22 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 4 of co-pending Application No. 10/992,672.

A Terminal Disclaimer is submitted herewith. Accordingly, the rejection should be withdrawn.

The Office Action rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over Graham et al. (hereinafter “Graham”), U.S. Patent No. 5,222,154. The rejection is respectfully traversed.

Independent claim 1 recites a confidence measure extraction method of a dominant color of an image region. The method includes obtaining a number of color pixels corresponding to each dominant color and a coherence value corresponding to each dominant color, multiplying the coherence value by a value corresponding to the number of color pixels with respect to each dominant color, adding the multiplied values with respect to all of the region dominant colors, and dividing the thusly added multiplied values by a region size and extracting a confidence value descriptive of dominant colors in the image region. Graham does not disclose or suggest all of the features of independent claim 22, or the claimed combination.

As indicated at page 21 of the present application, the confidence value is a numerical value that represents the degree of confidence when color of a region is expressed using dominant colors. As indicated at page 23 of the present application, the coherence value corresponds to whether the pixels of a dominant color are gathered. Embodiments for

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computing coherencies for dominant colors are discussed, for example, at pages 25-26 of the present application. Embodiments for computing confidence values are discussed, for example, at pages 26+ of the present application. In contrast, Graham teaches a system and method for finding areas of similar color and electronically captured spot color images and replacing the similar colors with a single dominant color. Graham does not disclose or suggest obtaining a number of color pixels corresponding to each dominant color and a coherence value corresponding to each dominant color. Graham makes no mention of obtaining a coherence value corresponding to each dominant color.

Further, Graham does not disclose or suggest multiplying the coherence value by a value corresponding to the number of color pixels with respect to each dominant color, adding the multiplied values with respect to all of the region dominant colors, and dividing the thusly added multiplied values by a region size and extracting a confidence value descriptive of dominant colors in the image region. The Examiner refers to Figures 14A and 14B as disclosing the step of multiplying the coherence value by a value corresponding to the number of color pixels with respect to each dominant color. The Examiner then asserts that “Graham does not explicitly specify adding the multiplied values with respect to all of the regional dominant colors; and dividing the thusly added multiplied values by a region size and extracting a confidence value descriptive of dominant colors in the region.” The Examiner then states that “[h]owever, in [Figure 14B] a persons skill[ed] in the art may have added the multiplied value i.e. 4x1, 4x1 as a dominant color and 20x1 as a next dominant color, and averaging the region 1402 into a region

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1404 to extract e.g., the confidence value, or in [Figure 9] illustrates e.g., the dominant color in line 1 is considered as 'RED' or in line 2 is considered as 'WHITE'." However, Figures 14A and 14B are drawings showing horizontal skew correction. That is, step 218 in Figure 2 is directed to removing skew abnormalities. This step is part of three additional process steps which are used to remove "jaggies", skew, and noise from the image described by the created data structure, so that a filtered or non-filtered spot color extracted image then may be output. The skew is removed by setting the values along the skew to values before and after the skew, as shown in Figures 14A-14B. Thus, these figures in no way disclose or suggest multiplying a coherence value by a value corresponding to the number of color pixels with respect to each dominant color, adding the multiplied values with respect to all of the region and dominant colors, and dividing the thusly added multiple values by region size and extracting a confidence value descriptive of dominant colors in an image region, as recited in independent claim 22. Moreover, Graham makes no mention of a confidence value descriptive of dominant colors in an image region. Accordingly, the rejection of independent claim 22 over Graham should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes

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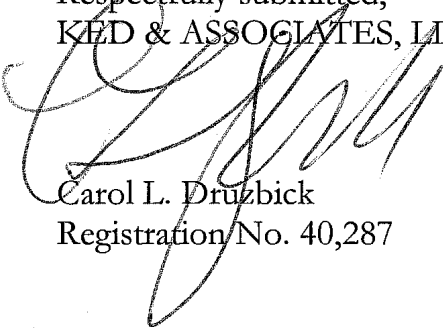
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would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Attachment: Terminal Disclaimer

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